

FULTON COUNTY TRIBUNE.

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WAUSEON, OHIO, FRIDAY, AUGUST 7, 1914

NO. 17

BARBER BANK CASE

Explanation Concerning Conduct of Case From Ex-Prosecutor Wolf—No Evidence on Which to Base a Conviction.

I have said repeatedly that I would like to see Ed L. Barber punished for squandering the hard earned money of our people who had entrusted it with him. I spent many weeks searching the law and hunting for evidence upon which I could bring him to justice, but in spite of my efforts to punish him, the evidence could not be found to convict him under the criminal laws of this state.

In my determination to punish Ed Barber, I had from W. W. Campbell, of Napoleon, appointed assistant prosecutor and he spent many days examining witnesses before the grand jury to get some evidence against Barber about conviction. Every person who knew anything about the transaction in the bank was subpoenaed to come before the grand jury to give their testimony. These witnesses were questioned by the members of the grand jury as well as by Mr. Campbell and myself concerning their transactions with the bank. All the testimony given before the grand jury was reduced to writing and was turned over to Mr. J. B. Templeton when he became prosecuting attorney of this county. After all this evidence had been taken and considered, Mr. Campbell gave it as his opinion that under the law and the evidence Ed Barber could not be convicted.

Mr. Templeton was nominated and elected to the office of prosecuting attorney of this county upon the promise that he would send Ed Barber to the penitentiary. Frank S. Ham was appointed to assist Mr. Templeton in prosecuting Barber, and yet with all this effort, together with the testimony and information that I had secured and which I gave to Mr. Templeton, they never presented to a petit jury a single indictment growing out of Ed Barber's bank transactions.

They did try Ed Barber, however, on a crime of embezzlement which grew out of a transaction which occurred about ten months after the failure of the Barber banks, with Robert Drennan and his two brothers concerning the handling of some telephone bonds, but the transaction was not connected with the Barber banks as they were out of business. It was in this case that Judge Scott directed the jury to return a verdict in favor of Barber. Judge Scott was condemned for this action by Messrs. Ham and Templeton, but they never carried their case to the supreme court as they had a right to do upon exceptions to the court's ruling under sections 13681 and 13682 to reverse his decision and get an interpretation of the law and which could have been done at the cost of an attorney's fee of not to exceed \$100 and slight court costs. If they were sure they had a case against Barber, they did not need to take the case to the highest court. If Judge Scott was wrong in his decision, the higher court would have sustained the exceptions were found, and then the case would have had to stand trial in the other Drennan case.

As I have said in the beginning, I would have liked to have sent Ed Barber to the penitentiary, but after I had exhausted every means to do so that I knew and was convinced that it could not be done owing to loose laws, I decided it was better to save hundreds of dollars of the taxpayers' money than to squander it in prosecuting a case which I was sure at the time of commencing, or any time since, I had no evidence upon which to base a conviction. To have brought a suit knowing that defeat awaited me at the end would have been playing the part of a hypocrite to gain popular applause and would have been betraying the trust that the people had reposed in me. The events of the past have proven that my action and decisions were founded upon the law. These statements are facts which the criminal court record of this county will verify.

FRED WOLF.

LUCYETTE HALE ANDREWS.

Mrs. Elijah Andrews an old and well known resident of Fulton county died at the home of her daughter, Miss Laura Andrews, 333 Tenth street, aged 82 years, 4 months and 28 days. Lucyette Hale was born in Chautauque County, New York, February 29th, 1832; she was united in marriage to Elijah Andrews, May 16th, 1850, and on October 22nd, 1881 they reached Fulton County, Ohio, where they have made their home during the years that have intervened since that time. Eleven children were born to them of these, eight survive to mourn the loss of a true and noble mother, they are, George H. Andrews, Nathan Andrews and C. E. Andrews of Wauseon, Ohio; J. S. Andrews of Tucson, Arizona; Mrs. M. Snelaker, Mrs. Oscar Weber, Alva Andrews and Mrs. Oscar Weber.

Miss Laura Andrews of Toledo, O. The husband and father passed several years ago so the children are left to treasure the memory of parents who have handed down to them the heritage of a good name and the record of well spent lives. Funeral services were held at the residence of Miss Laura Andrews Tuesday July 28th, conducted by Rev. Bowman of Wauseon and Rev. Price of the Presbyterian church of Delta. Interment was made in Wauseon cemetery.

WE wish to express our heartfelt thanks to our friends and neighbors who so kindly assisted us during the illness and death of our beloved mother, Lucyette Andrews, who died at her home in Delta, Ohio, on Tuesday, July 28th, 1914. We are especially indebted to Rev. Bowman of Wauseon, and Rev. Price of Delta, for their kind and comforting words, also the singers and for the many floral offerings.

THE FAMILY.

TO THE REPUBLICAN VOTERS.

I am a candidate for the Republican nomination of County Clerk. I was born on a farm in Amboy Township, Fulton County, Ohio, Dec. 30, 1880.

It is impossible for a candidate to see every voter in the county and if I have missed you in any way, it was not because I did not want your vote. I am a young man looking forward into life, the reformation at this time would mean much to me, if I should receive it and subsequently the election I would serve the people of the county to the best of my ability.

Respectfully yours, DAVIS B. JOHNSON.

There is no remedy better for the stomach and liver, and none so good as the bowels as San Jak. Get it at Fink & Haumessers.

ANSWER

To Article on Criminal Law—By Prosecutor Templeton—Theory and Facts Compared—Court Decisions in Cases Similar to Barber Case.

It had been my purpose to evade any discussion in the newspapers but the article by Donald Van Buren, Mr. Wolf's clerk or partner, (at least he has offices with Mr. Wolf) demands a reply. The inference is clear that Mr. Van Buren intends to charge the Attorneys for the State in the Barber case with an absolute lack of legal learning if not stupidity. I am wholly at a loss to understand why so learned a student as Mr. Van Buren would investigate and study the records carefully and then take two columns in condemning the banking laws, and in showing that a bank under the old law could not be guilty of embezzlement, larceny or false pretenses. Were he an older lawyer or writing at another's dictation, I might be tempted to suggest that his article was intentionally misleading, but as it is I simply ascribe it to his youth and inexperience.

Fresh from College Mr. Van Buren is naturally proud in theory, but here is a condition like many we hear of, stubborn facts which we as he in turn, must meet in life.

The case on which Mr. Barber was tried had no more relation to the bank than the Mexican War. He was charged perjury, as the agent of the Drennans with embezzlement of property he received individually four months after the bank ceased to exist.

Surely then if an agent receives stocks and bonds of another, holds them for years, and when the goods are demanded says he has them and will deliver them—then a few days later admits that he had sold most of them a year or more before, and promises to turn over the money and fails to do so, he certainly is guilty of embezzlement. If Mr. Van Buren has not read the testimony of Robert Drennan, he should do so.

Mr. Van Buren supplements his writings by verbal declarations that "The State should have appealed the case." As he will learn when he gets in the practice, neither side can appeal a criminal case in Ohio, nor could the State even take the case up on error and get a new trial. The Prosecutor could have—at a considerable expense to the county—have gone up on exceptions, but if the higher court had said Judge Scott was wrong and Ed Barber had walked into Court and said he was guilty, he could not have been tried again.

But the action of the Court was such as to make that idle ceremony a hardship for the State when he appealed the State to elect on which counts it would proceed.

When the code was adopted the old law was repealed and re-enacted by the same act. Again it was not repealed but the old law and the new law had the bonds or the money—had both both sides.

So two counts were framed one as to the bonds and one as to the money under the old law and two like counts under the new law. This would catch Barber going or coming. It merely made it impossible for him to evade justice by a technicality.

The Supreme Court in State vs. Bailey 50 O. S. 640 and 641 said: "The indictment contained two counts, one charging the embezzlement."

(Continued on page ten)

ACKERMAN-HOLMAN.

On last Thursday evening at eight o'clock at the pleasant home of Mr. and Mrs. Wm. Ackerman on Beech street, their charming daughter Miss Elwood J. Holman by Rev. C. W. Hoffman pastor of the M. E. church the beautiful Episcopal and ring ceremony was used. The groom was attended by Mr. Russell Kurtz of Akron, a former school friend and room mate, and the bride by Miss Eugene Ginnrich played the wedding march and Mr. Walter Caldwell sang very beautifully "O Promise Me." The home was nicely decorated for the occasion and about fifty invited guests were present. After the ceremony a fine wedding luncheon was served. A little later a large crowd of serenaders appeared on the scene but the bride and groom made a very clever get-away and the fun was spoiled.

These young people are well known and enjoy great popularity in Wauseon society. The groom comes from a good country home near Tiedrow, Ohio, and is a graduate of the Wauseon public school. After finishing his course here he entered the State University where he graduated with honors and won great credit for him as a public speaker of ability. For the last two years he has been a teacher in the Wauseon High school and has been very successful in his work.

The bride is the highly accomplished and prepossessing daughter of Mr. and Mrs. Wm. Ackerman of this place. She completed the high school work two years ago and the following year took post-graduate work and taught part of the year in the grades. During the last year she has been one of the efficient deputies in the Auditor's office for her father. She has given considerable attention to music and is an excellent pianist. Both the bride and groom have many friends and many of the characteristic traits that make for happiness and success in life. All their friends wish them well and prophesy a bright and happy future for them. They are spending their honeymoon with an auto trip thru Michigan and when they return will settle in Wauseon where Mr. Holman will teach in the High School next year. A large number of beautiful and useful presents were received.

The following out-of-town guests were present: Mrs. John Holman, George Holman, Mary Paxson, Ralph Bushey and Wilma Dennis, Tiedrow, O. Mrs. C. Light, Zoe Light, Mr. and Mrs. F. M. Ackerman, Lynn Ackerman and Genieve Ackerman, Ottawa, O. Mrs. O. G. Odell, Frank Odell, Eugene Odell and Mrs. S. W. Vandevor, Lima, O. Winifred Light, Sandusky, O. Russell Kurtz, Akron, O. James Schneider, Bryan, O. Grace Townsend, Leipsic, O. Mr. and Mrs. Herman Canfield, Fayette, O. Flora Tschumy, Oak Harbor, O. and Geo. Miller, Oak Harbor.

NOTICE.

Frank A. Griffin wishes to announce that he is a candidate for County Commissioner on the Republican ticket for the second term. It has been suggested in the past that he give a commissioner two terms. If you think I merit your support vote for me I will appreciate it. I am the only candidate in the west end of the county.

FOR PROSECUTING ATTORNEY.

ROSCOE B. DARBY.

X J. C. FAXSON.

CHARLES T. STAHL.

Mark your ticket as above, and insure your County for the next two years a good efficient and economical administration of this office. Advt.

COUNTY AFFAIRS

Orders Drawn, Land Deals, New Cases in Court, Marriage Licenses, Probate Court, Etc.

Real Estate Transfers.

James T. Phillips and wife to H. A. Smallman, 40 acres, section 19, Amboy township, \$2750.

Fred R. Sigg and wife to Rose P. H. Starr, 5 acres, more or less, section 8, Chesterfield township, \$2200.

Lewis D. Sweetland and wife to John W. Stuller, part of lot 2, Block 7 J. G. Gumbars addition, Fayette, \$20.

Meal Potter and Sarah to Edward Shoemaker, lot 2, Lincoln Bunting's addition, Metamora, O., \$50.

The Farmers National Bank of Delta to Farmers Savings Bank, lot 22 and east side of lot 23 Gates and Kennedy's addition, Delta, \$1.

The Delta Building & Real Estate Co. to Jennie Buyers and others, lot 29, Fairwood addition, Delta, O., \$1, and exchange of property.

William W. Clapp and wife to L. C. Cameron and W. F. Fowler, 80 acres, section 23, Swan Creek township, \$1, and exchange of property.

Ladner Fenton and wife to Rada M. Hefflinger, lot 14, Houseman's addition, Sylvania, \$1000.

Rose P. H. Starr to Geo. A. Mort, property section 8, Chesterfield township, \$1700.

The Delta Building & Real Estate Co. to Flora P. McQuillin, lot 61, Oakwood addition, Delta, \$1.

Rudolph Seiffert to Jacob I. Storer, 67.7 acres, Sec. 32, Archbold, \$13117.

L. Allen to John W. Stuller, part of lot 1, Block 7, Gumbars's addition, Fayette, \$70.

Jacob M. Gibley and wife to Otto Schlegel, lot 97, Donnelly's addition, Wauseon, \$60.

Probate Court.

Estate of Jasper Bonar, final account confirmed and administrator discharged.

Guardianship of Harry D. Roe, final account confirmed. Guardian discharged.

In the matter of the estates of Kate Bushey, John Schondel, Harman Orndorf, Anna W. Gunn, Eva T. Boraback, Garrett Hawley and George R. Gleason, proofs of publication and notices of appointment filed.

Estate of Mary Flogaus, George Flogaus appointed administrator and Joseph Sallabank, Daniel Dull and Robert Sweeney are appointed appraisers.

Will of Eunice E. Dean, testimony of witnesses taken and will admitted to probate.

Estate of Nellie M. Watkins, inventory filed, and appraisal dispensed with.

In the matter of the Seelye Levee, working section No. 3 west side of Iron Creek and branch, accepted.

New Cases in Common Pleas Court.

Brough A. Spittler vs. Addie Spittler, action for divorce on grounds of gross neglect.

Marriage Licenses.

Elwood J. Holman, 26, teacher, Wauseon, and Mildred A. Ackerman, 26, Wauseon.

The Twenty Year Test.

"Some twenty years ago I used Chamberlain's Colic, Cholera and Diarrhoea Remedy," writes Geo. W. Brock, publisher of the Enterprise, Aberdeen, Md. I discovered that it was a quick and safe cure for diarrhoea. Since then no one can sell me anything said to be 'just as good.' During all these years I have used it and recommended it many times, and it has never disappointed anyone." For sale by all dealers.

STAHL FOR PROSECUTOR.

Nearly three years ago a young fellow came into our midst, and through his integrity and sociability he has become a marked character in the city of Wauseon and county of Fulton, and that young fellow is Chas. T. Stahl, republican candidate for prosecuting attorney.

During this campaign for prosecutor the accusation is rumored that because young Stahl has not been here longer, he should not have the nomination, and in his defense I wish to say that when the facts are known, he is entitled to commendation and not condemnation. When any person can make his presence so felt in so short a time, that his competitors have acknowledged his ability and success in three years, that they are using it as campaign talk, it is surely an asset for Stahl, and not a liability, and if he has made good in three years, wherein it takes some other fifteen or twenty, does it not stand to reason that he is a hustler.

I do not care where a man is born or how long or short he is at a place, the question is can he deliver the goods? And that is the kind of man people of Fulton county are looking for as the next prosecutor.

It is undeniable and is acknowledged that Stahl is one of the best public speakers in the county, as is manifested in the demand places upon him in this capacity, and as prosecutor anyone ought to have this ability but few are so gifted. He is connected with a law firm that is recognized as one of the best, and as the junior member of the same, he is kept constantly in the active practice of the law.

Mr. Stahl is entitled to a great deal of credit, as he was left an orphan, the age of six in the city of Glasgow, Scotland, where his mother died, later came to this country in the steerage, and adopted by his present parents.

By his own efforts he has reached what he is today, and is endeavoring by all legitimate means to be of some use in the world and in his profession.

He passed the bar examination in 1907 and has been practicing law ever since.

The Booster Club of Wauseon has enough confidence in him that they placed him in the position of President of the Chautauque, to take the place of the lamented E. L. Burgoon.

As a friend of Stahl I wish to place him in the true light of those who might have been misled by the rumor of not being here long enough, for he has voted and been a resident of Wauseon for nearly three years.

Advt. A FRIEND.

TO FULTON COUNTY.

REPUBLICANS.

I am a candidate for nomination on the Republican ticket for County Treasurer at the Primary Election Tuesday, August 11th, 1914. I respectfully solicit the votes of my fellow Republicans in the county. I had intended to get out over the county and meet more of the Republican voters personally than I have but farm work has made that impossible, therefore I am taking this means of trying to reach every Republican and saying to them what I would have been glad to say personally.

If nominated and elected to this office I shall keep the office open on Saturday afternoon during tax paying time and at all other times when it is necessary to do so. I pledge myself to be faithful and efficient service and to conduct the office as economically as possible. Your support will be highly appreciated.

Sincerely, SCOTT ROOS.

For poison use Hanford's Balsam.

ROLL OF HONOR

Total Amount of Money Collected For Fulton County's Soldiers and Sailors Monument to Date is \$853.25.

Warm weather and dry may be to blame for the lack of interest shown in securing the necessary funds to complete the erection of the Fulton county monument, but neither warm, dry, wet, or any other kind of weather can make us believe for a minute that that monument is not going to be built. \$853.25 is the amount of actual cash now in the hands of the treasurer and that is almost one third of the amount we have set as necessary to build the monument. If a few more men in various parts of the county would do as well as E. S. Davoli did over in Metamora week before last it would not be long before the total amount would be raised. But it is going to be raised and the monument is going to be built. It is the nettle of which Fulton county people are composed. Whenever you who have subscribed are in position to pay such subscriptions just send or take the money to the secretary Miss Kathryn B. Weir, Wauseon, Ohio, you will get your certificate.

Roll of Honor.

Levi Frysinger \$ 5.00
Scott Roos 1.00
Mr. and Mrs. W. H. Sherman 1.00
F. H. Reighard 10.00

67TH O. V. V. I. REUNION.

The 38th Annual Reunion of the 67th O. V. V. I. will be held in the Cass High School Building, Detroit, Mich., Thursday, September 3rd, 1914; the week of National G. A. R. Encampment. Room will be open at 8 a. m. on Wednesday and Thursday. Detroit will give us a royal welcome. Then fall into line, with eyes shining bright.

Not for picket, march or fight, But to welcome each other as we do.

Come and shake your old comrades hands one more. Some of the Old Brigade will be present to greet you. Do not fail to register and get your badge. The 1915 reunion will be held the first Thursday in September at Ottoskee, Ohio. If you can't come write the secretary a letter to know your comrades are not forgotten.

M. P. SANDERSON, Secretary.
C. F. HANDEY, President.
S. I. SPRING, Vice President.

FOR COUNTY COMMISSIONER.

I am a candidate for County Commissioner in the Republican primaries Aug. 11, 1914; have been a resident and farmer of the county for 50 years.

If nominated and elected will fulfill the duties of the office to the best of my ability, and protect the interest of the people and give everybody a square deal. Your support will be appreciated. L. H. Guilford, Wauseon, Ohio.

San Jak is the up-to-date cure for rheumatism, stiff joints and neuralgia. Get it at Fink & Haumessers. 1-52

STATEMENT.

This week closes the campaign for the nomination of candidates for public officials of the political parties in Ohio.

When I entered the campaign for the nomination of Common Pleas Judge it was my purpose to meet and exchange a friendly word of greeting with every Republican in the county, but business and enforced absence from the county just when I had planned to be in the midst of the campaign has made it impossible for me to do that which I would like best to have done—meet you face to face and get acquainted.

For two terms I served the people of this county as prosecuting attorney and during that time I gave them the best that was in me to protect their interests and to impartially and fearlessly enforce the laws of Ohio as I found them.

If the offices of Common Pleas and Probate Judge will probably be combined in this county within the next few years as a matter of economy, and so I call your attention to the fact that in November you may elect a future probate judge as well as a common pleases judge. When that time comes, if it does, the office of probate judge will be abolished and the common pleases judge will do the work of both courts. This means that the election of common pleases judge this year may mean more to the people of this county than ever before.

In the remaining days of the campaign I will do my best to meet as many republicans as possible. Those whom I can not meet will know and understand the reasons which have prevented me from doing so.

Fellow Republicans I solicit your support and your vote and if you are fit to nominate and elect me to the office of Common Pleases Judge I assure you that I will serve you honestly and faithfully to the best of my ability.

In this campaign I have left every man's character as clean and untarnished as I could and if you are a Thanking you for past favors and soliciting your support in this campaign, I am,

Very truly yours, FRED H. WOLF.

MRS. TIMOTHY ESTEP.

Sylvia Steward, daughter of Matthew and Alice Steward was born in Henry county, Ohio, Nov. 24, 1874. She died July 29, 1914, aged 39 years, 8 months and 5 days.

She was married to Timothy Estep Dec. 19, 1908, in Wichita, Kansas. To this union were born two sons, Paul and Matthew Carl.

The most of her early life was spent in the school room, she having taught ten years. The years of this time was in Oklahoma where she went for her health.

Her last sickness she bore patiently and with her mother she trusted in the merciful God and was prepared to die, but would like to live for the sake of her family. She leaves to mourn their loss, husband, two sons, father, mother, one brother—another brother having preceded her to the grave.

(She was a model wife and mother, always looking after the interests of her family and home. Funeral services were held in the Christian church last Friday afternoon, Rev. J. A. Wharton officiating. Burial was made in the Wauseon cemetery.)

CARD OF THANKS.

We desire to express our sincere appreciation of the kindness and expressed sympathy of neighbors and friends during the illness and at the death of our loved one; also to the pastor for his comforting words and for the music and flowers.

T. T. ESTEP AND CHILDREN.
MR. AND MRS. M. STEWARD.

WHAT WHY WHO WHERE WHEN
(Other Stores Dare To Make Such Reductions As These? Are We Cutting Prices So Deep? Because It's Clean-Up Time. Should take advantage of these Prices? Every man in Fulton County Else on Earth can you buy such Good Goods for so Little Money? Will these prices cease to be in effect? Very Soon. Don't Wait!

The Peninsular Work Shirt the very best work shirt made, on sale.....43c

Boys' Clothing Bargains

\$8.00 Kinder suits\$6.00
\$6.50 Kinder suits\$5.00
\$5.00 Kinder suits\$3.75
\$4.00 Kinder suits\$3.00
\$2.50 Kinder suits\$1.75

Mothers Look Here Every Child's Wash Suit

Ranging in age 3 to 9 going on sale at half price. Better get your boy fitted and you will be glad.

IN justice to your own interests you cannot afford to delay coming to this Great After-Harvest Sale, another day. You should come and investigate the values we are offering in Seasonable Merchandise. Come today these prices will soon be withdrawn.

In Men's Suits

You'll find all the newest models, shades and fabrics included in this sale. Remember when you read over these prices that our regular prices are extremely low and are always marked in plain figures.

\$8.00 Patterned Suits\$6.50
\$10.00 Patterned Suits\$8.00
\$12.50 Patterned Suits\$9.00
\$15.00 Patterned Suits\$11.25
\$20.00 Patterned Suits\$15.00
\$25.00 Patterned Suits\$18.50

10 per cent. off on all Blue and Black Suits

Rain, Auto or Duster Coats

Every new and desirable style is here, these already low prices are marked lower; if you need a rain or auto coat you sure ought to see these values.

\$20.00 Rain Proof Garments at\$10.00
\$10.00 Rain proof Slip ons at\$7.00
\$5.00 Rain proof auto coat\$4.00
\$1.85 Duster coat\$1.35

Best Balbriggan Underwear on Earth on sale per garment40c

Furnishings

\$2.50 Wilson Shirts\$1.50
\$1.50 Wilson Shirts\$1.00
\$1.00 Wilson Shirts80c
50c extra value40c
\$1.50 Union Suits\$1.20
\$1.00 Union Suits80c
50c Silk Hose40c
25c Special fibre20c
10c Cotton sock—3 pr. for. 20c
Lion Brand Collars—3 for. 25c

Every Straw Hat Going at 1-2 Off

These Goods are Goods You Need Now
Come and See The Big Values For Little Money
We Refund Your Money Cheerfully If Not Satisfactory
Harrison & Funkhouser Bros. These Prices For Cash Only
Home of Good Clothes and Shoes

One trial convinces — Hanford's Balsam.